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LAND DEVLEOPMENT
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COMMERCIAL REAL ESTATE PROBLEMS

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CONTENTS

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CONTENTS

CHAPTER 1

- Chapter 1 : Subdivision Control
Chapter 2 : Business Entities and Taxation
Chapter 3 : Condominiums
Chapter 4 : Ground Leases

Ont. Bill 159: An Act to Revise the Planning Act

Ontario Economic Council: A Review of Suburban
Planning in Ontario

Letter from Ministry of Housing re development
approval and conditions

Sample Subdivision Agreement

Board of Education for the Township of York re
a Highbury Development Ltd. (1980), 12 O.R. 211

Re Highbury Developments and the Township of York
et al., (unreported)

Grand Marque Holdings Inc. v. York Board of Education
(1980), 12 O.R. 211

Some Practical Problems Relating to Development
Agreements

Analysis of the Income Tax and Land Use Implications

Estimated Open Requirements

Re Highbury Developments and the Township of York

Re Highbury Development Ltd. and the Township of York
(1980), 12 O.R. 211

Re Village and Land Division Committee of the
Regional Council of York et al. (1980), 12 O.R. 211

Re Sorokolis et al. and Regional Council of York et al.
(1977), 12 O.R. 211

Re Minister of Social and Community Services

Re Regional Council of York et al. and the Township of York
(1980), 12 O.R. 211

Re York et al. and the Township of York (1980), 12 O.R. 211

Re York et al. and the Township of York (1980), 12 O.R. 211

Re York et al. and the Township of York (1980), 12 O.R. 211

CHAPTER 1

SUBDIVISION CONTROL

Ont. Bill 159: An Act to Revise the Planning Act	1
Ontario Economic Council: A Review of Municipal Planning in Ontario	14
Letter from Ministry of Housing re draft plan approval and conditions	25
Sample Subdivision Agreement	29
<u>Board of Education for the Township of Etobicoke et al. v Highbury Developments Ltd.</u> (1958), 12 D.L.R. (2d) 145	48
<u>Re Highbury Developments and the Township of Etobicoke et al., (unreported)</u>	51
<u>Grand Marque Holdings Inc. v Peel Board of Education</u> (1980), 12 O.M.B.R. 328	54
Some Practical Problems Relating to Subdivision Agreements	56
Analysis of Pro Forma Income and Cash Flow Statement	59
Estimated Cash Requirements	60
<u>Re Highbury Developments and Etobicoke</u>	(supra)
<u>Re Pinetree Development Ltd. and Minister of Housing</u> (1977) 14 O.R.(2d)687	61
<u>Re Mills and Land Division Committee of the Regional Munic.of York et al</u> (1976) 9 O.R.(2d)349	66
<u>Re Sorokolit et al and Regional Munic. of Peel et al</u> (1977) 16 O.R.(2d) 607	69
<u>Re Minister of Housing and Costain Estates Ltd.</u>	75
<u>Re Regional Munic.of Hamilton-Wentworth and Samuel Roy Enterprises</u> (1981) 122 D.L.R.(3d)732	100
<u>Re Hay et al and City of Burlington</u> (1980)31 O.R. (2d) 467	101
<u>Minto Construction Ltd. v. Corp.of Township of Nepean</u> (1977) 2 M.P.L.R. 195	105
<u>Caerleon Ltd. v. Township of Hamilton</u> (1981) 12 O.M.B.R. 503	107

Business Entities and Taxation
Chapter 2

INDEX

Partnerships Act	1
Limited Partnerships Act	4
Midcon Oil and Gas Ltd. v. New British Dominion Oil Co. Ltd. et al.	14
A.E. LePage Ltd. v. Kamex Developments Ltd. et al.	32
Ronald K. Fraser, Appellant, and Minister of National Revenue, Respondent	34
Interpretation Bulletin IT-90 What is Partnership?	37
Interpretation Bulletin IT-128 Capital Cost Allowance - Depreciable Property	38
Interpretation Bulletin IT-152R2 Special Reserves - Sales of Land	40
Interpretation Bulletin IT-195R3 Rental Property - Capital Cost Allowance Restrictions ..	41
Interpretation Bulletin IT-274 Rental Properties - Capital Cost of \$50,000 or More	42
Interpretation Bulletin IT-371 Rental Property - Meaning of "Principal Business"	43
Interpretation Bulletin IT-403 Options of Real Estate	44
Interpretation Bulletin IT-464 CCA - Leasehold Interests	45
Questions Concerning Business Entities	48

Condominium Act	1
Condominium Act Declaration	34
York Condominium Corporation No. 170 By-law No. 1	40
Condominium Agreement of Purchase and Sale	48



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CHAPTER III

I. READING LIST: CASES

1. Re Macval Enterprises Ltd. 1972 O.R. (Vol. 2) 458
2. Re MacDonald and Yates 4 O.R. (2d) 547
3. Re Lambert Island Ltd. 1972 O.R. (Vol. 2) 659
4. Re Crossroads Apartments Ltd. 47 D.L.R. (3d) 172
5. Frontenac Condominium Corp. No 1 v. Joe Macciocchi & Sons Ltd. (1974) 3 O.R. (2d) 332
6. Re Key et al. and St. George Holdings Co. Ltd. (1972) 3 O.R. (2d) 326
7. York Condominium Corporation No. 104 v. Supreme Automatic Washing Machine Co. 18 O.R. (2d) 596
8. Re Peel Condominium Corporation No. 11 and Care et al 4 O.R. (2d) 543
9. Re Cadillac Fairveiw Corporation and Allin (1979) 25 O.R. (2d) 73
10. York Condominium Corporation No. 167 v. Newrey Holdings (1981) 32 O.R. (2d) 458
11. Re Basmadjian and York Condominium Corporation No. 52 (1981) 32 O.R. (2d) 523

II. SUPPLEMENTARY READING

1. R. Risk - "Condominiums and Canada", (1968) 18 University of Toronto Law Journal, 1
2. Law Society of Upper Canada Lectures, 1970, J. Richard Shiff, Condominium "The Flying Fee"
3. Burns and McLellan, Condominium: The Law and Administration in Ontario (1981)

QUESTIONS CONCERNING GROUND LEASES

MATERIALS for COMMERCIAL REAL ESTATE

and

LAND DEVELOPMENT PROBLEMS

CHAPTER 4

GROUND LEASES: The Alternative to a Sale

TABLE OF CONTENTS

Questions Concerning Ground Leases	1
Form of Ground Lease - Vacant Land	4

